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REMARKS

The Office Action was reviewed carefully by Applicants and the undersigned. Reconsideration is respectfully requested. Nonetheless, in light of the positions presented herein, this application is believed to be in condition for allowance.

Applicants note with appreciation the allowance of claims 9-13. Various other claims are allowable upon entry of the present amendments and alleviation of the corresponding objections and § 112 concerns.

Claims 1, 4 and 6-8 were rejected under 35 U.S.C. § 102(b) as anticipated by Maffey-Ward. The Examiner's point is well-taken. However, Maffey-Ward is directed toward recognition and reproduction of neutral spine posture, in the context of stabilization training and rehabilitation. Maffey-Ward discloses repositioning to neutral (i.e., original upright sitting position) following a lumbar flexion movement. (See, page 355, first column and page 356, third column.) No flexion is selected for reposition. Any flexion position, regardless of coordinate location, is merely a preparatory event for neutral repositioning and measurement. Accordingly, Maffey-Ward is not an anticipatory reference, and the subject claims should be allowed to proceed toward issue.

Claims 1, 2, 4-6 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by Swinkels. Again, Applicants appreciate the Examiner's position. However, Swinkels does not measure vertical and horizontal coordinates. Position sense is measured therein by the absolute difference in angles recorded for each set of flexion movements. The vertebral sensors record angular movement, using the Fastrak technology of the prior art. (See, page 98, column 1.) As further distinguished from coordinate positioning, such sensors and associated methodologies introduce unwanted subject feedback via cutaneous mechanoreceptors—contrary to useful and accurate assessment of reposition

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sense. (See, Maffey-Ward, page 358, first column.) Accordingly, Swinkels does not anticipate this invention, and the subject claims should be allowed to proceed toward issue.

Lastly, claims 14-16 were rejected under 35 U.S.C. § 102(b) as anticipated by Badelon. The Examiner's comments regarding Badelon were helpful, but additional insight was provided through a translation of the French text. Applicants searched for Badelon on the French Espare website, and a copy of the entire specification was applied to the Google language translator at http://www.google.com/language_tools?hl=en. A copy of the English translation is provided herewith as Exhibit A.

While the Badelon device can be used to investigate spinal mobility, Applicants' system is patentably distinguished. Badelon component 2 is not a vertical reference component, but merely a support for slide rule 43. Vertical measurements are taken by movement of wire 20. (See, Exhibit A, page 3.) As seen in Figure 3, vertical and horizontal reference components are not positioned within any housing component. As a result, the Badelon device requires separate horizontal and vertical measurements using wire 20 for any given position, thereby introducing an element of error not present through use of Applicants' invention. Badelon is not anticipatory, and the subject claims should be allowed to proceed toward issue.

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This application is believed to be in condition for allowance. Action consistent therewith is respectfully requested. The Examiner is invited to contact the undersigned by telephone should any issue remain. Thank you for your consideration.

Respectfully submitted,



Rodney D. DeKruif
Attorney for Applicants
Reg. No. 35,853